

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

Plaintiff

Attorneys: Stephanie Mazzanti and Alex Morgan

JUDGE: Kristine G. Baker

REPORTER: Elaine Hinson

CRD: Tracy Washington

DATE: June 1-9, 2022

v.

Case No. 4:20-cr-00025 KGB

JOE DAVID MAY

Defendant

Attorney: Shelly Koehler

MINUTES – JURY TRIAL

TIME	<i>DAY 1, Wednesday, June 1, 2022 (Court Reporters: Elaine Hinson and Karen Dellinger)</i>
9:11	Pretrial conference begins; Court takes up summary of indictment, cautionary instruction proposed by both sides; request for redaction with respect to transmittal emails; overflow courtroom for observers; Potential juror issues;
9:40	Recess
10:02	Court back in session
10:05	Recess
10:29	Court back in session; Rule invoked;
10:33	Potential jurors enter courtroom;
10:36	32 names called
10:39	The Court gives preliminary instructions;
10:47	The Court begins voir dire;
11:53	Potential Jurors dismissed for break;
11:54	Court in session outside the presence of the potential jurors
11:55	Recess;
12:09	Court back in session; The Court continues with voir dire
1:29	The government begins voir dire;
1:37	The defense counsel begins voir dire;
1:58	The Court asked follow-up questions;
1:59	Jurors dismissed for break for peremptory strikes;
2:01	Court in session outside the presence of the jury; Counsel exercises peremptory strikes;
2:02	Recess;
2:39	Court back in session outside the presence of the jury panel; The Court discusses schedule for the day;
2:41	Potential jurors return to courtroom;
2:45	12 jurors and one alternate seated and sworn;
2:46	Remaining potential jurors dismissed from further service;
2:47	Jury dismissed for lunch break;

2:48	Court in session outside the presence of the jury;
2:50	Recess;
3:48	Court back in session outside the presence of the jury;
3:53	Jury returned to jury box;
3:53	The Court reads preliminary instructions to jury
4:14	Jury dismissed to return on 06/02/222 at 9:00 a.m.
4:15	Court in session outside the presence of the jury; The Court takes up cooperation and truthfulness;
4:19	Recess;
TIME	<i>DAY 2, Thursday, June 2, 2022 (Court Reporters: Karen Dellinger and Elaine Hinson)</i>
9:07	Court in session outside the presence of the jury;
9:08	Jury returned to jury box;
9:09	Government begins opening statements
10:08	Jury dismissed for morning recess;
10:10	Court in session outside the presence of the jury
10:11	Recess
10:27	Court back in session outside the presence of the jury;
10:28	Jury returned to jury box;
10:29	Defense begins opening statements
10:40	Government calls Name No. 8 as Government Witness No. 1; Direct examination by Alex Morgan begins; Government's Exhibits 1a, 337, 360, 52, 338, 342, 359, 363, 313, 341, and 345 admitted;
12:09	Jurors dismissed for lunch break;
12:09	Court in session outside the presence of the jury; The Court takes up matters regarding Government's upcoming exhibits
12:18	Recess;
1:26	Court back in session outside the presence of the jury;
1:40	Jury returned to jury box; Direct examination of Government Witness No. 1 continues; Government's Exhibits 307, 318, 319, 340, 305, 317, 347, 73, 169, 185, 241, 309, 310, 48, 306, 308, 315, 320, 75, 322, 324, 191, 61, 54, 58, 65, 67, 69, 71, 72, 74, 80, 81, 86, 91, 93, 95, 100, 103, 107, 109, 113, 114, 116, 122, 123, 124, 129, 130, 131, 132, 134, 138, 141, 144, 147, 148, 154, 155, 172, 175, 181, 182, 184, 187, 195, 196, 197, 198, 200, 208, 216, 220, 225, 228, 233, 236, 243, 245-281, 284-295, and 298-304 admitted
3:16	Jury dismissed for afternoon break;
3:17	Recess
3:35	Court back in session;
3:35	Jury returned to jury box; Direct examination continues; Government Exhibits 311, 312, 316, 321, 323, 87, 88, 237, 62, 63, 35, 36a, 36b, 36c, 336, 337, 314, 77, 325-330, 331-332, and 158 admitted
4:32	Jury dismissed for the day to return at 9:00 on 06/03/2022;
4:33	Court in session outside the presence of the jury;
4:33	Recess

4:52	Court in session outside the presence of the jury; The Court takes up a proposed limiting instruction re Government's proposed exhibits 282 and 283; The Court will continue the discussion at 8:30 a.m. on 06/03/2022;
5:03	Recess;
TIME	<i>DAY 3, Friday, June 3, 2022 (Court Reporters: Karen Dellinger and Elaine Hinson)</i>
9:09	Court in session outside the presence of the jury; The Court takes up request for limiting instruction and Government's Exhibits 282 and 283;
9:58	Recess;
10:09	Court back in session outside the presence of the jury;
10:10	Jury returned to jury trial;
10:11	Direct examination of Government Witness No. 1 continues; Government's Exhibits 282, 283, 333, 334, 335, 165, 166, 167, 168, 339, 189, 343, 346, 349, 358, 361, 348, 351, 353, 354, 355, 356, 357, 362, 364, 365, 366, 367, 368, 369
11:54	Direct examination concludes;
11:55	Jury dismissed for lunch break
11:56	Court in session outside the presence of the jury
11:59	Recess;
1:20	Court back in session outside the presence of the jury; The parties stipulated to Defense Exhibits 1 and 2
1:23	Jury returned to jury box;
1:24	Cross examination of Witness No. 1 begins;
2:21	Cross examination concludes; Redirect examination begins;
2:37	Redirect examination concludes;
2:38	Recross examination begins;
2:38	Witness excused but remains under the rule;
2:39	Government calls Name No. 22 as Government Witness No. 2; Direct examination by Alex Morgan begins;
2:52	Jury dismissed for afternoon break;
2:53	Court in session outside the presence of the jury;
3:08	Recess
3:18	Court back in session outside the presence of the jury;
3:21	Jury returned to jury box;
3:21	Direct examination of Government Witness No. 2 continues; Government's Exhibits 4, 5, 9, 1, 2, and 3A-3J admitted;
3:44	Direct examination concludes; Cross examination begins
3:50	Cross examination concludes; Witness excused;
3:50	The government calls Name No. 11 as Government Witness No. 3; Direct examination by Stephanie Mazzanti begins; Government's Exhibits 16, 17, 16a, 17a admitted;
3:57	Cross examination begins;
3:58	Cross examination concludes; Witness excused;
3:58	Government calls Name No. 13 as Government Witness No. 4; Direct Examination by Stephanie Mazzanti begins;
4:12	Direct examination concludes; No cross examination; Witness excused;

4:15	The Court reads stipulations to jury; Government Exhibits 10a, 10b, 10c, 10d, and 47;
4:19	Jury dismissed for the day to return on 06/06/2022;
4:20	Court in session outside the presence of the jury;
4:24	Recess
TIME	<i>DAY 4, Monday, June 6, 2022 (Court Reporters: Teresa Hollingsworth and Karen Dellinger)</i>
9:01	Court in session outside the presence of the jury; The court takes up stipulated exhibits – Government’s Exhibits 11, 11a, 11b, 11c, 18, 18a, 19a-19d, 20-22, 24-26, 27, 28a, 28a1-28a4, 29a, 29a1-29a3, 32, 33a, 33a1, 33b, 33b1, 33c, 34, 34a-34d, 36d, 39a-39c, 40a-40c, 41a, 41b, 42-45, 46, and 374a-374d admitted;
9:08	Jury returned to jury box; The Government calls Name No. 1 as Witness No. 5; Direct examination by Alex Morgan begins;
9:56	Direct examination concludes; Cross examination begins;
10:01	Cross examination concludes; No redirect examination; Witness excused but remains under the rule;
10:02	The Government calls Name No. 18 as Witness No. 6; Direct examination by Stephanie Mazzanti begins;
10:21	Direct examination concludes; Cross examination begins; Defense Exhibit 11 admitted;
10:25	Cross examination concludes; Witness excused but remains under the rule;
10:26	Jury dismissed for morning break;
10:27	Court in session outside the presence of the jury;
10:27	Recess;
10:44	Court back in session outside the presence of the jury
10:45	Jury returned to jury box;
10:45	The government calls Name No. 21 as Witness No. 7; Direct examination by Stephanie Mazzanti;
11:02	Direct examination concludes; Cross examination begins;
11:04	Cross examination concludes; Witness excused but remains under rule;
	Government calls Name No. 20 as Witness No. 8; Direct examination by Stephanie Mazzanti begins;
11:15	Direct examination concludes; Cross examination begins; Defense exhibits 4, 5, and 7 admitted;
11:25	Cross examination concludes; Witness excused;
11:26	The government calls Name No. 12 as Witness No. 9; Direct examination by Stephanie Mazzanti begins;
11:41	Direct examination concludes; Cross examination begins;
11:44	Cross examination concludes; Witness excused;
	The government calls Name No. 16 as Witness No. 10; Direct examination by Stephanie Mazzanti begins;
11:54	Direct examination concludes; Cross examination begins;
11:55	Cross examination concludes; Witness excused;
11:57	Jury dismissed for lunch break;
11:58	Court in session outside the presence of the jury;
11:59	Recess;

1:07	Court back in session outside the presence of the jury; The Court takes up the government's upcoming exhibits and defense witness that is unavailable for in person testimony and government's upcoming witnesses; The government exhibits 50, 51, 82, 126, 133, 136, 137, 139, 156, 157, 222, 223, 17b stipulated and admitted;
1:18	Jury returned to jury box;
1:19	The Government calls Name No. 2 as Witness No. 11; Direct examination by Stephanie Mazzanti begins;
1:45	Direct examination concludes; Cross examination begins;
1:49	Cross examination concludes; No redirect examination; Witness excused;
1:49	The government calls Name No. 17 as Witness No.12; Direct examination by Stephanie Mazzanti begins;
2:04	Direct examination concludes; Cross examination begins; Defense Exhibits 8 and 9 admitted;
2:07	Cross examination concludes; No redirect examination; Witness excused;
2:08	Government calls Name No. 10 as Witness No. 13; Direct examination by Stephanie Mazzanti begins;
2:17	Direct examination concludes; Cross examination begins;
2:18	Cross examination concludes; Witness excused;
2:19	The government calls Name No. 4 as Witness No. 14; Direct examination by Stephanie Mazzanti begins;
2:37	Direct examination concludes; Cross examination begins;
2:38	Cross examination concludes; Witness excused;
2:40	Jury dismissed for afternoon break;
2:40	Court in session outside the presence of the jury;
2:40	Recess;
2:57	Court back in session outside the presence of the jury;
2:57	Jury returned to jury box;
2:58	The government calls Name No. 5 as Witness No. 15; Direct examination by Alex Morgan;
3:36	Direct examination concludes; Cross examination begins;
3:39	Cross examination concludes; Redirect examination begins;
3:45	The government calls Name No. 19 as Witness No. 16; Direct examination by Stephanie Mazzanti begins; Government Exhibit 33, 29, 28, and 30 admitted;
4:04	Direct examination concludes;
4:10	Jury dismissed for the day to return 06/07/2022;
4:10	Court in session outside the presence of the jury;
4:11	Recess;
4:26	Court back in session outside the presence of the jury; The Court takes up housekeeping matters regarding witnesses and jurors; Government Exhibits 49, 188, 230, 55, 56, 57, 59, 83, 97, 101, 170, 173, 186, 209, 229, 202-206, 213-215, 117, 128, 149, 150, 160, 60, 64, 66, 68, 70, 76, 78, 84, 89, 92, 94, 98, 102, 104, 108, 110, 111, 115, 118-120, 125, 135, 140, 143, 145, 146, 151, 152, 171, 174, 176-180, 190, 192-194, 199, 207, 210-211, 217-219, 221, 224, 227, 232, 234, 242, 226, 231, 99, 106, 121, 153, 183, 212, 235, 161-163, 238, 164, 239 and 240 stipulated and admitted;
4:43	Recess;

TIME	<i>DAY 5, Tuesday, June 7, 2022 (Court Reporters: Karen Dellinger and Teresa Hollingsworth)</i>
8:57	Court in session outside the presence of the jury; The Court takes up proposed instruction for upcoming witness;
9:06	Jury returned to jury box;
9:07	Cross examination of Witness No. 16 begins; Defense Exhibits 15-20 admitted;
10:03	Cross examination concludes; No redirect examination; Witness excused but remains under the rule;
10:04	The government calls Name No. 7 as Witness No. 17; Direct examination by Alex Morgan begins;
10:15	Direct examination concludes; Cross examination begins;
10:22	Cross examination concludes; No redirect; Witness excused;
10:23	The government calls Name No. 14 as Witness No. 18; Direct examination by Stephanie Mazzanti begins;
10:40	Direct examination concludes
10:41	Jury dismissed for morning recess;
10:42	Court in session outside the presence of the jury;
10:42	Recess;
11:03	Court back in session outside the presence of the jury;
11:05	Jury returned to jury box;
11:05	Cross examination of Witness No. 18 begins;
11:17	Cross examination concludes; Witness excused;
11:17	Government calls Name No. 15 as Witness No. 19; Direct examination by Stephanie Mazzanti begins;
11:33	Direct examination concludes; Cross examination begins; Defense exhibit 21 admitted;
11:42	Cross examination concludes; Redirect examination begins;
11:44	Redirect examination concludes; Witness excused;
11:47	Jury dismissed for lunch break;
11:48	Court in session outside the presence of the jury; The Court takes up motion <i>in limine</i> in preparation of Witness No. 20;
12:21	Recess;
12:36	Court back in session; The Court continues discussing motion <i>in limine</i> issues;
12:53	Recess;
1:20	Court in session outside the presence of the jury;
1:29	Jury returned to jury box;
1:29	Government calls Name No. 3 as Witness No. 20;
1:31	Direct examination by Stephanie Mazzanti begins; Government Exhibits 49, 188, 230, 55, 56, 57, 83, 97, 101, 170, 173, 186, 209, 229, 202, 203, 204, 205, 206, 213, 214, 215, 117, 128, 149, 150, 160, 60, 64, 66, 68, 70, 76, 78, 84, 89, 92, 94, 98, 102, 104, 108, 110, 111, 115, 118, 119, 120, 125, 135, 143, 145, 146, 151, 152, 171, 174, 176, 179, 180, 190, 192, 193, 194, 199, 207, 210, 211, 217, 219, 221, 224, 227, 232, 234, 242, 99, 106, 121, 153, 183, 212, 235, 343, 161, 163, 238, 164, 239, 337, 360, 332, 170, 240, 355, 357
3:25	Jury dismissed for afternoon break;
3:26	Court in session outside the presence of the jury;

3:27	Recess;
3:46	Court in session outside the presence of the jury;
3:47	Jury returned to box;
3:49	Cross examination of Witness No. 20 begins; Defense Exhibit 10, 25 admitted;
4:57	Jury dismissed for afternoon break;
4:57	Court back in session outside the presence of the jury;
4:58	Recess;
5:05	Court back in session outside the presence of the jury;
5:08	Jury returned to jury box;
5:11	Cross examination concludes; Witness excused but remains under the rule;
5:13	Jury dismissed for the day;
5:13	Court in session outside the presence of the jury;
5:15	Recess;
5:39	Court in session outside the presence of the jury; The Court holds preliminary jury instructions conference;
6:04	Recess;
TIME	<i>DAY 6, Wednesday, June 8, 2022 (Court Reporters: Karen Dellinger and Teresa Hollingsworth)</i>
9:09	Court in session outside the presence of the jury; Government Exhibits 376 and 377 admitted; Defense Exhibits 31-41
9:15	Jury returned to jury box
9:16	Government calls Name No. 9 as Witness No. 21; Direct examination by Alex Morgan begins; 79, 85, 90, 105, 112, 6, 6a, 6b, 7, 7a
10:34	Jury dismissed for morning break;
10:35	Court in session outside the presence of the jury;
10:35	Recess
10:54	Court back in session outside the presence of the jury;
10:55	Jury returned to jury box;
10:56	Direct examination of Witness No. 21 continues; Government Exhibits 23, 45a, 13, 12, 15, 14, 8
12:32	Jury dismissed for lunch break;
12:34	Court in session outside the presence of the jury;
12:36	Recess;
1:54	Court back in session outside the presence of the jury;
1:55	Jury returned to jury box;
1:56	Cross examination of Witness No. 21 begins;
2:48	Cross examination concludes; Redirect examination begins;
2:58	Redirect examination concludes; Recross begins;
3:01	Recross concludes; Redirect begins;
3:03	Redirect concludes; Recross begins
3:03	Recross concludes; Government rests;
3:04	Jury dismissed for afternoon recess;
3:05	Court in session outside the presence of the jury;
3:05	Recess
3:18	Court in session outside the presence of the jury; The defendant moves for judgment of acquittal on all counts;

3:34	The government responds to defendant's motion for judgmental of acquittal;
3:51	The Court denies the motion in open court; The Court discusses defendant's right to testify;
3:57	Recess
4:18	Court in session outside the presence of the jury; The Court takes up stipulated Defense Exhibits;
4:23	Jury returned to box;
4:24	The defense calls Name No. 5 as Witness No. 1; Direct examination begins; Defense Exhibit 42
4:33	Direct examination concludes; Cross examination begins;
4:41	Cross examination concludes; Redirect examination begins;
4:41	Redirect examination concludes; Witness excused;
4:42	Defense reads stipulation to jury;
4:43	Defense rests; No rebuttal;
4:47	Jury dismissed to return on 06/09/2022
4:48	Court in session outside presence of the jury;
4:50	Recess;
5:10	Court back in session; The Court holds jury instructions conference; The defendant renews motion, government renews response; the Court denies the motion;
7:38	Recess;
TIME	<i>DAY 7, Thursday, June 9, 2022 (Court Reporters: Teresa Hollingsworth and Elaine Hinson)</i>
9:02	Court in session outside the presence of the jury; The Court takes up the jury instructions that were taken under advisement;
9:26	Recess;
9:48	Court back in session; The Court makes a ruling regarding instructions that were taken under advisement;
9:50	Recess;
10:03	Court back in session outside the presence of the jury; The Court holds jury instructions conference;
10:10	Recess;
10:18	Court back in session outside the presence of the jury;
10:19	Jury returned to jury box; The Court reads jury instructions
11:21	Government begins closing arguments;
1:05	Jury dismissed for break;
1:06	Court in session outside the presence of the jury;
1:07	Recess;
1:24	Court back in session outside the presence of the jury;
1:26	Jury returned to jury box;
1:27	Defense begins closing arguments;
2:51	Defense counsel concludes with closing arguments
2:56	Government begins rebuttal closing arguments;
3:28	CSO sworn;
3:29	Jurors retire for deliberations;
3:30	Court in session outside the presence of the jury;
3:34	Recess;

3:55	Court back in session outside; Courtroom Deputy explains what occurred while escorting the alternate juror to grab things from jury deliberations
4:00	Recess
6:23	Court notified that jury reached a verdict;
6:34	Court in session outside the presence of the jury;
6:36	Jury returned to jury box;
6:38	Guilty Verdicts on Counts 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 35, 36, 37, 38, 39, 40, published
6:46	Jury polled;
7:08	Jury dismissed from further service;
7:09	Court in session outside the presence of the jury;
7:10	Court adjourned.